

1 APPEARANCES:

2 Edward C. Fitzhenry
3 Managing Associate General Counsel
4 Ameren Services Company
5 1901 Chouteau Avenue
6 P.O. Box 66149 (M/C 1310)
7 St. Louis, Missouri 63166-6149

8 (Appearing on behalf of Ameren
9 Transmission Company of
10 Illinois)

11 KELLY ARMSTRONG
12 MATTHEW L. HARVEY
13 Office of General Counsel
14 Illinois Commerce Commission
15 160 North LaSalle Street, Suite C-800
16 Chicago, Illinois 60601-3104

17 (Appearing via teleconference on
18 behalf of Staff witnesses of the
19 Illinois Commerce Commission)

20 RICHARD C. BALOUGH
21 BALOUGH LAW OFFICES, LLC
22 1 North LaSalle Street, Suite 1910
Chicago, Illinois 60602

(Appearing via teleconference on
behalf of City of Champaign
and the Village of Savoy)

KYLE C. BARRY
MCGUIREWOODS LLP
One Old State Capitol Plaza, Suite 410
Springfield, Illinois 62701

(Appearing via teleconference on
behalf of FutureGen Industrial
Alliance, Inc.)

1 APPEARANCES: (Continued)

2 BETH A. BAUER

117 Crestmoor Street

3 Collinsville, Illinois 62234

4 (Appearing via teleconference
pro se)

5

KIMBERLY W. BOJKO

6 CARPENTER LIPPS & LELAND, LLP

280 Plaza, Suite 1300

7 280 North High Street

Columbus, Ohio 43215

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(Appearing via teleconference on
behalf of MISO)

9

10 MICHAEL T. CODY

10568 Irish Road

11 Loami, Illinois 62661

12 (Appearing via teleconference
pro se)

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EDWARD R. GOWER

14 HINSHAW & CULBERTSON, LLP

400 South Ninth Street, Suite 200

15 Springfield, Illinois 62701

16 (Appearing on behalf of
Intervenors)

17

MS. LAURA A. HARMON

18 Asst. General Counsel

Office of General Counsel

19 Illinois Agricultural Association

1701 Towando Avenue

20 Bloomington, Illinois 61701

21 (Appearing on behalf of Illinois
Farm Bureau)

22

1 APPEARANCES: (Continued)

2 BRIAN R. KALB
BYRON CARLSON PETRI & KALB, LLC
3 411 St. Louis Street
Edwardsville, Illinois 62025

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(Appearing via teleconference on
5 behalf of Intervenor)

6 FORREST G. KEATON
RAMMELKAMP BRADNEY, P.C.
7 P.O. Box 550
232 West State Street
8 Jacksonville, Illinois 62651-0550

9 (Appearing via teleconference on
behalf of Prairie Power, Inc.)

10
JOSEPH L. LAKSHMANAN
11 Managing Director-CoalCo
Dynergy Operating Company
12 133 South Fourth Street, Suite 306
Springfield, Illinois 62701-1232

13
(Appearing via teleconference on
14 behalf of Dynergy)

15
OWEN E. MACBRIDE
16 SCHIFF HARDIN, LLP
6600 Sears Tower
17 Chicago, Illinois 60606

18 (Appearing via teleconference on
behalf of Green Belt Express
19 Clean Line, LLC)

20
21
22

1 APPEARANCES: (Continued)

2 EDWARD D. MCNAMARA JR. Atty. For Intervenors
MCNAMARA & EVANS

3 931 South Fourth Street
P.O. Box 5039

4 Springfield, Illinois 62705

5 (Appearing on behalf of
Intervenors)

6

GREGORY A. PEARCE

7 7564 Hemberger Road
Loami, Illinois 62661

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(Appearing pro se)

9

DUSTIN L. PROBST

10 DOVE & DOVE

P.O. Box 647

11 151 South Morgan Street

Shelbyville, Illinois 62565-0647

12

(Appearing on behalf of Shelby
County Landowners Group)

13

14 BARBARA RAGHEB

2502 Jordan Drive

15 Champaign, Illinois 61822

16

(Appearing pro se)

17

MATTHEW R. RENTSCHLER

Rural King Supply

18

4216 Dewitt Avenue

Mattoon, Illinois 61938

19

(Appearing via teleconference on
behalf of Timberview Community)

20

21

22

1 APPEARANCES: (Continued)

2 ERIC ROBERTSON

LUEDERS, ROBERTSON & KONZEN

3 1939 Delmar Avenue

P.O. Box 735

4 Granite City, Illinois 62040

5 (Appearing via teleconference on
behalf of Moultrie County
6 Property Owners)

7 MICHAEL J. ROONEY

P.O. Box 6034

8 Saint Charles, Illinois 60174

9 (Appearing via teleconference on
behalf of Deborah D. Rooney)

10

11 CHRISTOPHER N. SKEY

CHRISTOPHER TOWNSEND

12 ADAM MARGOLIN

QUARLES & BRADY, LLP

13 300 North LaSalle Street, Suite 4000

Chicago, Illinois 60654

14

(Appearing via teleconference on
15 behalf of the Nature
Conservancy)

16

MR. DAVID STREICKER

17 POLSINELLI SHUGHART, PC

161 North Clark Street, Suite 4200

18 Chicago, Illinois 60601

19 (Appearing via teleconference on
behalf of N. Kohl Grocer Company
20 d/b/a Kohl Wholesale)

21

22

1 APPEARANCES: (Continued)

2 ALBERT D. STURTEVANT

WHITT STURTEVANT LLP

3 180 North LaSalle Street, Suite 2001

Chicago, Illinois 60601

4

(Appearing via teleconference on
5 behalf of Ameren Transmission
Company of Illinois)

6

TIMOTHY J. TIGHE, JR.

7 CHRIS ELLIS

BOLEN ROBINSON & ELLIS, LLP

8 202 South Franklin Street, 2nd Floor

Decatur, Illinois 62523

9

(Appearing via teleconference on
10 behalf of Intervenors)

11 BRITTANY K. TOIGO

KURT WILKE

12 BARBER SEGATTO HOFFEE WILKE & CATE

831 East Monroe Street

13 Springfield, Illinois 62701

14 (Appearing via teleconference on
behalf of Property Owners in
15 Piatt, Douglas & Moultrie)

16 ANGELA M. WEIS

SIDLEY AUSTIN, LLP

17 One South Dearborn

Chicago, Illinois 60603

18

(Appearing via teleconference on
19 behalf of Enbridge Pipelines
(Illinois) L.L.C.)

20

21

22

1 APPEARANCES: (Continued)

2 BRADLEY B. WILSON

GATES WISE & SCHLOSSER, P.C.

3 1231 South 8th Street

Springfield, Illinois 62703

4

(Appearing on behalf of Morgan
and Sangamon County Landowners
and Tenant Farmers)

6

7 ALSO APPEARING:

8 BRIAN DOCKERY

1701 Fifth Avenue

9 Moline, Illinois 61265

10 (Appearing on behalf of Central
Stone Company)

11

NATHAN RALSTON

12 1216 Washington Street

Beardstown, Illinois 62618

13

(Appearing on behalf of Brian
and Sherry Ralston)

14

15 DARRELL WOOLUMS

Attorney at Law

16 225 North Water Street

Decatur, Illinois 62523

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(Appearing on behalf of Mark
Lash)

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I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

(None)

EXHIBITS

MARKED

ADMITTED

(None)

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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 12-0598. This docket was initiated by the Ameren Transmission Company of Illinois and concerns its petition for a Certificate of Public Convenience and Necessity pursuant to Section 8-406.1 of the Act and particularly pertains to several counties in Illinois for construction of a 325kV transmission line.

May I have the appearances for the record -- actually, strike that. I think, given the number of intervenors, I will go ahead and just call off intervenors as they appear on e-Docket. And if you are here, go ahead and enter your appearance. Hopefully, that will save us some confusion.

So first I will start with Ameren.

MR. FITZHENRY: Yes. On behalf of Ameren Transmission Company of Illinois, my name is Edward Fitzhenry and my address is 1901 Chouteau Avenue, St. Louis, Missouri.

JUDGE ALBERS: Commission Staff?

1 MS. ARMSTRONG: Appearing on behalf of Staff of
2 the Illinois Commerce Commission, Kelly Armstrong and
3 Matt Harvey, 160 North LaSalle Street, Suite C-800,
4 Chicago, Illinois 60601.

5 JUDGE ALBERS: The Midwest Independent
6 Transmission System Operator?

7 MS. BOJKO: Thank you, Your Honor. On behalf
8 of MISO, Kimberly W. Bojko with Carpenter, Lipps and
9 Leland, 280 Plaza, Suite 1300, 280 North High Street,
10 Columbus, Ohio 43215.

11 JUDGE ALBERS: Dynegy Midwest Generation?

12 MR. LAKSHMANAN: Yes, this is Joe Lakshmanan on
13 behalf of Dynegy. My address is 133 South Fourth
14 Street, Suite 306, Springfield, Illinois 62701.

15 JUDGE ALBERS: FutureGen Industrial Alliance?

16 MR. BARRY: Good morning. Kyle Barry,
17 McGuireWoods, 1 North Old State Capital Plaza, Suite
18 410, Springfield, Illinois.

19 JUDGE ALBERS: Clark County Preservation
20 Committee?

21 (No response.)

22 Moultrie County Property Owners?

1 MR. ROBERTSON: Yes. Eric Robertson, Lueders,
2 Robertson and Konzen, P.O. Box 735, 1935 Delmar,
3 Granite City, Illinois 62040.

4 JUDGE ALBERS: Mary Splain?

5 (No response.)

6 Macon County Property Owners?

7 MR. TIGHE: Tim Tighe and Chris Ellis, Bolen,
8 Robinson and Ellis, 202 South Franklin, Decatur,
9 Illinois.

10 JUDGE ALBERS: Niemann Foods, Inc.?

11 (No response.)

12 Colfax-Scott Land Preservation Group?

13 MR. McNAMARA; Edward D. McNamara, Jr., 931
14 South Fourth Street, Springfield, Illinois 62703.

15 JUDGE ALBERS: Green Belt Express Clean Line,
16 LLC?

17 MR. MacBRIDE: Good morning, Judge. This is
18 Owen MacBride, address 233 South Wacker Drive, Suite
19 6600, Chicago, Illinois 60606, appearing on behalf of
20 Grain Belt Express Clean Line, LLC.

21 JUDGE ALBERS: Morgan and Sangamon County
22 Landowners and Tenant Farmers?

1 MR. WILSON: Brad Wilson, Gates, Wise and
2 Schlosser, 1231 South 8th Street, Springfield,
3 Illinois 62703.

4 JUDGE ALBERS: Christian County Property
5 Owners?

6 (No response.)

7 Prairie Power, Inc.?

8 MR. KEATON: Yes. Forrest Keaton, Rammelkamp,
9 Bradney, P.C., 233 West State Street, P.O. Box 550,
10 Jacksonville, Illinois 62651.

11 JUDGE ALBERS: Nature Conservancy?

12 MR. SKEY: Good morning, Your Honor. This is
13 Chris Skey, S-K-E-Y, together with Chris Townsend and
14 Adam Margolin, law firm of Quarles and Brady, L.L.P.
15 300 North LaSalle Street, Chicago, Illinois 60654, on
16 behalf of the Nature Conservancy. Thank you.

17 JUDGE ALBERS: Gregory and Theresa Pearce?

18 MR. PEARCE: Yeah, Greg Pearce, 7564 Hemberger
19 Road, Loami 62661.

20 JUDGE ALBERS: Village of Mt. Zion?

21 (No response.)

22 Wind on the Wires?

1 (No response.)

2 Enbridge Pipelines?

3 MS. WEIS: Yes. This is Angie Weis of Sidley
4 Austin, One South Dearborn, Chicago 60603.

5 JUDGE ALBERS: Adams County Property Owners and
6 Tenant Farmers?

7 MR. KALB: This is Brian Kalb, Edwardsville,
8 Illinois (618) 655-0600.

9 JUDGE ALBERS: Western Morgan County Property
10 Owners?

11 (No response.)

12 Village of Pawnee?

13 (No response.)

14 Paul Thrift and John Thompson?

15 (No response.)

16 Central Stone Company?

17 MR. DOCKERY: Yes, Your Honor. Brian Dockery,
18 1701 Fifth Avenue, Moline, Illinois 61265.

19 JUDGE ALBERS: What was your name again?

20 MR. DOCKERY: Brian Dockery, D-O-C-K-E-R-Y.

21 JUDGE ALBERS: Are you an attorney?

22 MR. DOCKERY: No, sir, I am not. Our attorney

1 couldn't make it.

2 JUDGE ALBERS: Oh, okay. Tarble Limestone
3 Enterprises?

4 MR. GOWER: Ed Gower, Hinshaw and Culbertson,
5 400 South Ninth Street, Suite 200, Springfield,
6 Illinois 62701. Phone number is (217) 467-4916.

7 JUDGE ALBERS: And N. Kohl Grocer Company?

8 MR. STREICKER: David Streicker, Polsinelli
9 Shughart, 161 North Clark, Chicago, Illinois.

10 JUDGE ALBERS: Joseph and Barbara
11 Bergschneider?

12 (No response.)

13 Illinois Laborers and Contractors
14 Training Trust Fund?

15 (No response.)

16 Andrew and Stacy Robinette?

17 (No response.)

18 James and Tori Phillips?

19 (No response.)

20 JDL Broadcasting, Inc.?

21 MR. GOWER: Ed Gower. Do you need my address
22 again, Your Honor?

1 JUDGE ALBERS: No, that's all right.

2 The Copeland Family?

3 (No response.)

4 Donna Allen?

5 (No response.)

6 Morgan, Sangamon and Scott Counties

7 Land Preservation Group?

8 MR. McNAMARA: Edward D. McNamara, Jr. Judge,
9 I would also note that you mentioned Joseph and
10 Barbara Bergschneider. They are now members, I
11 should say, of the Morgan, Sangamon and Scott
12 Counties Land Preservation Group.

13 JUDGE ALBERS: Thank you.

14 Stop the Power Lines Coalition?

15 MR. GOWER: Ed Gower.

16 JUDGE ALBERS: Leon Corzine?

17 MR. TIGHE: Tim Tighe and Chris Ellis, Bolen,
18 Robinson and Ellis, 205 South Franklin, Decatur,
19 Illinois.

20 JUDGE ALBERS: Timberview Community?

21 MR. RENTSCHLER: Matthew Rentschler, 4216
22 Dewitt Avenue, Mattoon, Illinois 61938.

1 JUDGE ALBERS: Munjed Al-Bakri?

2 (No response.)

3 Magdi, Barbara and Adam Ragheb?

4 MS. RAGHEB: Barbara Ragheb, 2502 Jordan Drive,
5 Champaign 61822.

6 JUDGE ALBERS: Village of Sidney?

7 (No response.)

8 Deborah Rooney?

9 MR. ROONEY: Your Honor, Mike Rooney
10 representing Deborah Rooney, P.O. Box 6034, St.
11 Charles, Illinois 61074.

12 JUDGE ALBERS: Brian and Sherry Ralston?

13 MR. RALSTON: Yes, Your Honor, Nathan Ralston
14 on behalf of Brian and Sherry Ralston, 1216
15 Washington Street, Beardstown, Illinois 62618.

16 JUDGE ALBERS: Are you an attorney, sir?

17 MR. RALSTON: No.

18 JUDGE ALBERS: Do you plan on representing them
19 throughout the process?

20 MR. RALSTON: Yes.

21 JUDGE ALBERS: Only an attorney can represent
22 someone else.

1 MR. RALSTON: My father is disabled so he sent
2 me to intercede for him.

3 JUDGE ALBERS: You can attend and we will send
4 a report back to him, but as far as actually later on
5 practicing law, if you will, he will need actually an
6 attorney here or else they will have to come
7 themselves. So we can talk later if you have any
8 questions about that.

9 MR. RALSTON: Okay.

10 JUDGE ALBERS: Michael Lockwood?

11 (No response.)

12 Pamela Irwin?

13 (No response.)

14 Schuyler County Property Owners?

15 (No response.)

16 Beth Brauer?

17 MS. BAUER: Beth Bauer, no "R".

18 JUDGE ALBERS: I am sorry.

19 MS. BAUER: That's okay. My address is 117
20 Crestmoor Street, Collinsville, Illinois 62234.

21 JUDGE ALBERS: Michael Cody?

22 MR. CODY: This is Michael Cody, 10568 Irish

1 Road, Loami, Illinois 62661.

2 JUDGE ALBERS: Illinois Farm Bureau?

3 MS. HARMON: Laura Harmon on behalf of the
4 Illinois Farm Bureau, 1701 Towanda Avenue,
5 Bloomington, Illinois 61702.

6 JUDGE ALBERS: Mary, Gregory or Mark Hamblin?

7 (No response.)

8 Thomas and Linda McLaughlin?

9 (No response.)

10 Assumption Group?

11 MR. TIGHE: Tim Tighe and Chris Ellis, Bolen,
12 Robinson and Ellis, 202 South Franklin, Decatur,
13 Illinois.

14 JUDGE ALBERS: And David and Theresa Bockhold?

15 (No response.)

16 Michael Hutchinson?

17 (No response.)

18 Larry and Ginger Durbin?

19 MR. PROBST: Good morning, Your Honor. Dustin
20 Probst of Dove and Dove, Attorneys at Law, 151 South
21 Morgan Street, Shelbyville, Illinois 62565, appearing
22 on behalf of the Durbins and Shelby County Landowners

1 Group.

2 JUDGE ALBERS: What was your name again?

3 MR. PROBST: Dustin Probst, P-R-O-B as in boy,
4 S-T.

5 JUDGE ALBERS: We are almost done.

6 John Reed?

7 MR. GOWER: Ed Gower.

8 JUDGE ALBERS: Okay. Justin Ramey and Ann
9 Raynolds?

10 (No response.)

11 Laura Te Grotenhuis?

12 MR. GOWER: Ed Gower.

13 JUDGE ALBERS: Virginia Megredy and Carolyn
14 Patterson?

15 (No response.)

16 Rural Clark and Edgar County Concerned
17 Citizens?

18 (No response.)

19 Erbon Doak?

20 (No response.)

21 Coles County Landowners?

22 MR. GOWER: Ed Gower.

1 JUDGE ALBERS: Morrison Group -- or, sorry,
2 Morrisonville Group.

3 MR. TIGHE: Tim Tighe and Chris Ellis.

4 JUDGE ALBERS: Louise Brock-Jones, L.P.?

5 (No response.)

6 Coalition of Property Owners and
7 Interested Parties in Piatt, Douglas and Moultrie
8 Counties?

9 MS. TOIGO: Brittany Kink Toigo and Kurt Wilke,
10 Barber, Segatto, Hoffee, Wilke and Cate, 831 East
11 Monroe, Springfield, Illinois 62701.

12 JUDGE ALBERS: What was your name again?

13 MS. TOIGO: Brittany Kink Toigo.

14 JUDGE ALBERS: Could you spell that, please?

15 MS. TOIGO: Kink is K-I-N-K and Toigo is
16 T-O-I-G-O.

17 JUDGE ALBERS: Thank you. I believe that's it.
18 Are there any others wishing to enter an appearance?

19 MR. BALOUGH: Yes, Your Honor. Richard Balough
20 on behalf of the City of Champaign and the Village of
21 Savoy. It is Balough Law Offices, One North LaSalle
22 Street, Suite 1910, Chicago, Illinois 60602. We

1 filed appearances on behalf of both municipalities.

2 JUDGE ALBERS: Yeah, I am sorry, I had that. I
3 just -- I am on a different list.

4 MR. STURTEVANT: Good morning, Your Honor. Also
5 appearing on behalf of ATSI, Albert Sturtevant of
6 Whitt Sturtevant L.L.P., 180 North LaSalle Street,
7 Suite 2001, Chicago, Illinois 60601.

8 MR. HARVEY: For the Staff of the Illinois
9 Commerce Commission, Matthew L. Harvey, 160 North
10 LaSalle Street, Chicago, Illinois.

11 JUDGE ALBERS: Okay. Any others?

12 MR. WOOLUMS: Your Honor, Darrell Woolums on
13 behalf of Mark Lash, 225 North Water Street, Decatur,
14 Illinois 62523.

15 JUDGE ALBERS: Who are you representing?

16 MR. WOOLUMS: Mark Lash, L-A-S-H.

17 JUDGE ALBERS: Has that person intervened or do
18 they plan to?

19 MR. WOOLUMS: No.

20 JUDGE ALBERS: Okay. That's fine. I just
21 wondered.

22 All right. Any others?

1 MR. GOWER: I also have a Petition to Intervene
2 pending on behalf of Coles County and Moultrie County
3 Land Interests.

4 JUDGE ALBERS: So it's called Coles County and
5 Moultrie County Land Interests?

6 MR. GOWER: Yes.

7 JUDGE ALBERS: When was that filed?

8 MR. GOWER: I'm sorry?

9 JUDGE ALBERS: When was that filed?

10 MR. GOWER: I believe yesterday.

11 JUDGE ALBERS: Whoever is gargling, making all
12 that noise, cleaning out their desk, please step away
13 from the phone when you do that.

14 MR. KALB: Judge Albers, this is Brian Kalb. I
15 filed a Petition to Intervene on behalf of Louise
16 Brock-Jones Limited Partnership.

17 JUDGE ALBERS: Yes, sorry. Thank you.

18 Any others?

19 (No response.)

20 All right. Moving along, as far as
21 preliminary matters I do have the pending Petitions
22 to Intervene from -- can you hear me all right --

1 Laura Te Grotenhuis; Virginia Megredy and Carolyn
2 Patterson; Rural Clark and Edgar County Concerned
3 Citizens; Erbon Doak D-O-A-K; Coles County
4 Landowners; the Amended Petition to Intervene of
5 Macon County Property Owners; the Morrisonville
6 Group; Louise Brock-Jones, L.P.; Coalition of
7 Property Owners and Interested Parties in Piatt,
8 Douglas and Moultrie Counties; Amended Petition to
9 Intervene of Morgan, Sangamon and Scott County Land
10 Preservation Group; and the Amended Petition to
11 Intervene of the Stop the Power Lines Coalition. Is
12 there any objection to any of those?

13 (No response.)

14 Hearing no objection, they are all
15 granted.

16 Now, there are a few newcomers to this
17 process so I planned on basically describing how this
18 would work from here on out, and I will take any
19 questions on the process after that. After that,
20 anyone is welcome to raise any issues or questions
21 they might have.

22 MR. GOWER: Your Honor, we are still getting

1 quite a bit of static. Could you ask the people on
2 the phone to mute their lines, please?

3 JUDGE ALBERS: Yes. If you are on the phone,
4 as Mr. Gower suggested, please mute your line while I
5 am speaking. Roll up your window in the car.

6 All right. I will try to speak
7 louder.

8 This process began under Section
9 8-406.1 of the Public Utilities Act which became law
10 in 2008. It sets forth an expedited process for
11 doing the transmission line applications. Based on
12 the date that Ameren completed the filing of the
13 application, the deadline is August 20 of 2013.

14 And when Ameren filed the petition, it
15 also included its testimony presenting its petition.
16 In reviewing that testimony, Intervenor and Staff
17 may have questions about the proposals, and they are
18 free to ask questions about that in a process called
19 discovery.

20 If you do send any questions to Ameren
21 or, for that matter, to each other once you have seen
22 each other's proposed routes, please do not copy the

1 ALJs on your data requests or any kind of discovery.

2 The ALJs do not want to see them nor should we. If

3 you end up incorporating any of that information in

4 your testimony, we will certainly look at it then.

5 But just as a matter of process, whenever discovery

6 occurs between the parties, do not include the ALJs.

7 Following that -- oh, I do want to

8 mention my talk about Commission Staff. For those of

9 you who don't know, those are the Commission

10 employees who take a look at whatever a company

11 proposes and makes a neutral -- a recommendation

12 balancing all of the interests of the parties.

13 January 25 of this year Judge Yoder

14 and I issued a ruling setting forth the schedule for

15 the rest of this. On March 29, that's the due date

16 for Staff and Intervenors to submit testimony

17 offering their positions. And the testimony, as I

18 said, can incorporate any information you get in

19 discovery, but generally it is your chance to offer

20 your case.

21 If you want to intervene, you need to

22 do so pursuant to the Code Part 200 here at the

1 Commission. That's our rules of practice. You can
2 get a copy of that online and through our Clerk's
3 Office here in Springfield. If you do not follow the
4 rules in that, your chance of getting your Petition
5 to Intervene rejected by the Clerk's Office are
6 pretty good. So please follow the rules in Code Part
7 200.

8 After we get the Staff and Intervenor
9 testimony on March 29, Staff and Landowners will have
10 a chance to -- off the record.

11 (Whereupon there was then had an
12 off-the-record discussion.)

13 JUDGE ALBERS: So after we get Staff and
14 Intervenor testimony on the 29th, you folks will have
15 a chance to respond to each other on April 12. And
16 because Ameren has the burden in this case, they get
17 the last bite at the apple, so to speak, and their
18 final round of testimony will be due on April 26.

19 The next step is an evidentiary
20 hearing that is scheduled from May 13 through the
21 17th, where those who provided testimony will be
22 sworn in and subject to questions from the other

1 parties. And after that all parties can file initial
2 briefs and reply briefs which are basically applying
3 the facts to the law.

4 And once that's completed, Judge Yoder
5 and I will issue a Proposed Order, and that Proposed
6 Order will be our recommendation to the five-member
7 Commission. You will get a chance to point out any
8 flaws in our Order or anything you disagree with in a
9 document called the Brief on Exceptions, and we will
10 take that and the Proposed Order to the five-member
11 Commission and they will make a final decision in
12 this case.

13 And I would note that we do intend to
14 reserve any filings in this matter via Ebay -- I am
15 sorry, e-mail. So if you do intervene, please make
16 sure you provide an e-mail.

17 Some of you guys have discussed this
18 earlier, but does anyone have any questions about the
19 process?

20 (No response.)

21 All right. Does anybody have any
22 questions at all?

1 MR. FITZHENRY: Your Honor, this is Ed
2 Fitzhenry on behalf of the Company. I have three
3 observations/recommendations. As you know, typically
4 the Company, the utility, will solicit from the
5 parties cross examination estimates and
6 identification of witnesses that are intended to be
7 cross-examined.

8 Given the number of parties in this
9 case and the need, I think, to have before you and
10 Judge Yoder at some time prior to the commencement of
11 the evidentiary hearings, we would ask that you would
12 consider issuing a notice to all the parties that
13 would obligate them to tell the Company, and the
14 Company would share the same information as to who
15 they intend to cross-examine and their cross
16 examination estimates. We understand they are
17 estimates; they are not barcoded. And that that
18 information be provided to the Company no later than
19 May 3.

20 Thereafter, the Company, as it
21 typically does, will look to see how the witnesses
22 can all fit within the five days of scheduled

1 hearings and share with the parties, as we always do,
2 a draft of the witness availability, the days in
3 which those witnesses might appear and the cross
4 examination estimates. And then once that is
5 finalized, of course, we would share that with you
6 and Judge Yoder and the rest of the parties.

7 I think if you were inclined to issue
8 a notice asking for that information, it is more
9 likely that the Company will get it. Again, we have
10 some parties here that are new to the process. So we
11 would ask you to consider a ruling along that nature.

12 Second, the motion hearing that's set
13 for May 8, we would like you to consider that also
14 being a tentative status hearing that could follow
15 from the rulings or a discussion about the motions.
16 That would for, I think, the purpose of making sure
17 we know when people are going to show up and any
18 witness issues that need to be brought to your
19 attention.

20 And then third, I don't know that you
21 planned to consider the evidentiary hearings to be
22 available to parties by telephone. The Company would

1 strongly oppose that. But we will insist that any
2 witnesses that we intend to cross-examine will have
3 to be here in Springfield. And if you think there is
4 any advantage to letting parties, again, who are new
5 to the process and have been able to attend these
6 status hearings telephonically, that that may not be
7 available to them, if you are so inclined, letting
8 them know that now or sometime in the near future
9 might be a benefit to them as well.

10 JUDGE ALBERS: Okay. Well, I think I can
11 respond to two of those right off the bat. As far as
12 the last one first, it is my preference, I believe
13 Judge Yoder's as well, that anyone who does intend to
14 actually conduct cross examination, whether they are
15 asking the questions or answering the questions, be
16 present here in Springfield, primarily for the
17 reasons we just experienced.

18 MR. FITZHENRY: So to be clear about that, even
19 people or parties that don't have any cross
20 examination but they want to listen in? Again, we
21 have concerns about the background noise and all
22 that. Is your expectation that parties have to

1 either be here in Springfield and/or the Commission's
2 offices in Chicago by which the -- to be at the
3 hearings?

4 JUDGE ALBERS: I think if someone simply wants
5 to listen -- now, I have to double check on this.
6 But I think if somebody simply wants to listen, they
7 can listen over the internet, which I don't think
8 then will interfere with our audio here in the room,
9 but I will double check on that.

10 MR. HARVEY: Your Honor, this is Matt Harvey
11 representing the Staff of the Commission. It is our
12 understanding that there would, on Staff's
13 application, be a video link available between the
14 Springfield and Chicago offices.

15 JUDGE ALBERS: Yeah, I am not as concerned
16 about that as it wouldn't involve the static issues.
17 So we can address the inter-workings of that as we
18 get closer to the hearing.

19 MR. MacBRIDE: Judge, this is Owen MacBride, I
20 would just like to comment. This is unlikely to be
21 my issue, but if you are allowing people to listen by
22 telephone to the actual hearing, I would suggest you

1 sort of lose control over who gets to participate if
2 there is proprietary information involved.

3 JUDGE ALBERS: Has there been proprietary
4 information in the initial filing?

5 MR. FITZHENRY: I believe there has been.

6 JUDGE ALBERS: I will probably go off --

7 MR. FITZHENRY: That and maybe some critical
8 infrastructure information that may or may not have
9 been shared. I don't recall exactly. There is that
10 possibility.

11 MS. BOJKO: Yes, Your Honor. Yes, this is
12 Kimberly Bojko of the Midwest ISO. There has been
13 critical infrastructure information shared with
14 parties via discovery.

15 JUDGE ALBERS: All right. Well, I believe that
16 with a flip of the switch right in front of me here I
17 can turn off the internet access. So that may take
18 care of that. So if somebody is willing to
19 participate via internet, knowing that they are going
20 to be cut off when proprietary information comes up,
21 I think that would take care of that concern.

22 MR. SKEY: Your Honor, this is Chris Skey. I

1 just want a clarification so I understand. I
2 understand that there would -- that there would be a
3 video hookup to the Commission's office in Chicago so
4 that if somebody wanted to monitor proceedings but
5 was not going to be in person in Springfield, they
6 would be able to go to the Commission's office in
7 Chicago and see the live video of the hearing as it
8 occurs, is that correct?

9 JUDGE ALBERS: So far. Like I said, I haven't
10 -- I need to talk to Staff about how much -- the
11 nature of the video connection. I don't want to open
12 the door up to have the hearing be in Chicago,
13 basically. So we need to --

14 MR. SKEY: No, I understand, Your Honor. I am
15 not suggesting that. I am just suggesting that,
16 since it is a week-long hearing and, as Mr. Fitzhenry
17 indicated, there will likely, as there always is, be
18 an attempt to, you know, accommodate witnesses or
19 accommodate counsel and parties for convenience sake
20 instead of putting all witnesses together or
21 whatever. So that if somebody weren't there for the
22 entire hearing but perhaps was actively participating

1 in parts of the hearing, they could -- on the days
2 when they are not expecting to be active, they could
3 at least observe the hearing from the Commission's
4 offices in Chicago.

5 JUDGE ALBERS: Yeah, if you just want to sit
6 there and watch, that's fine.

7 MR. SKEY: Okay. I appreciate that, thank you.

8 JUDGE ALBERS: All right. Are there any other
9 questions about that particular area? Mr. McNamara.

10 MR. McNAMARA: Will there be a date certain
11 when the various parties will notify each other
12 whether they are going to want one of the other
13 parties present to testify for cross examination?

14 JUDGE ALBERS: I think that plays into
15 Mr. Fitzhenry's first suggestion which Judge Yoder
16 and I planned on doing anyway. And I think, if I
17 understand Mr. Fitzhenry correctly, it is consistent
18 with what we usually do with large hearings, and that
19 is, issue a ruling directing all parties who had a
20 witness offer testimony or, for that matter, who
21 intend to question any witness, have them to identify
22 who they intend to question and how much time they

1 think it will take. And then the parties amongst
2 themselves will try to put together a schedule based
3 on witnesses' availability and how many hours there
4 are in a day. So there will be a schedule in terms
5 of who will appear when and how much time we think it
6 will take. Is that --

7 MR. McNAMARA: That's question one. Question
8 two, as to those witnesses who submit testimony that
9 are not required to be present, affidavits will get
10 their testimony in or not?

11 JUDGE ALBERS: Yeah, if there are -- if we
12 confirm ahead of time that there are no questions for
13 a particular witness, I don't have an objection to
14 their testimony being admitted by affidavit. For
15 that matter, I want to make sure that it is crystal
16 clear to everybody. If there are no questions of
17 that particular witness, their attorney can be here
18 and offer the affidavit. Does that make sense?

19 MR. FITZHENRY: Yes.

20 MR. GOWER: Do you want the hard copy of the
21 affidavit as opposed to an e-file?

22 JUDGE ALBERS: You can e-file it. That's fine.

1 If it is a separate document, make sure it is -- if
2 it is a separate document, you just need to give it
3 an exhibit number. So if your testimony is Exhibit
4 1, your affidavit will be 1.1, just to keep it
5 straight. Does that address your questions?

6 MR. McNAMARA: Yes, sir. Thank you, Judge.

7 JUDGE ALBERS: I think that takes care of it.

8 MS. BOJKO: Judge?

9 JUDGE ALBERS: Go ahead.

10 MS. BOJKO: Your Honor, this is Kimberly Bojko
11 with the Midwest ISO again. In this discussion about
12 witness availability and given the scope of the
13 hearing -- and this may play out, I guess, in the
14 parties working together to join witnesses -- but was
15 there any thought to grouping together subject matter
16 as well since the alternative route would be
17 different? We obviously have a witness coming from
18 out of state and would like a date certain for that
19 witness and are hoping that that could be worked out
20 as well in the scheduling amongst the parties. Is
21 that your intent?

22 JUDGE ALBERS: That's my intent. It is my

1 understanding the parties usually work together to
2 try to take travel into consideration. Does that
3 help?

4 MS. BOJKO: Yes. And was there any thought to
5 separating kind of the issues of the proposed route
6 versus the alternate route and landowner type issues?

7 JUDGE ALBERS: You know, generally I am all in
8 favor of that, but I understand that that might be
9 tough just given the availability of witnesses. So
10 to the extent it can be worked out, great. If not,
11 whenever that person takes the stand, also make sure
12 that everyone is clear on what part of the route they
13 are talking about. Does that help?

14 MS. BOJKO: Yes, thank you.

15 JUDGE ALBERS: Okay. All right. So that I
16 think takes care of Mr. Fitzhenry's first point. So
17 all we have left is his second one.

18 In terms of using that motion hearing
19 scheduled for March 8 for anything other than motions
20 which I think is what you were -- I am sorry, May 8,
21 thank you. Yeah, Judge Yoder and I are certainly
22 fine with that. We generally, you know, take up any

1 other loose ends. Anything that needs to be taken
2 care of before the evidentiary hearing we would
3 address then, too. So bear that in mind as you
4 prepare for the May 8 hearing.

5 MR. FITZHENRY: Thank you .

6 JUDGE ALBERS: Any other questions or concerns?

7 (No response.)

8 All right. I don't think I have
9 anything else so -- oh, Mr. Gower.

10 MR. GOWER: Well, Judge, have you addressed the
11 May 3 -- Mr. Fitzhenry's request for a May 3 filing
12 date for identification of witnesses?

13 JUDGE ALBERS: Oh, well.

14 MR. GOWER: I have a problem with that timing
15 simply because the rebuttal witnesses file on April
16 26 and that's a week later and the hearings don't
17 start for another ten days. So, I mean, I think that
18 we can cooperate and coordinate among counsel and
19 don't need ten days to put that witness list
20 together. I don't want to give an inaccurate
21 estimate of cross examination ten days in advance of
22 the hearing.

1 JUDGE ALBERS: Well, I will let Mr. Fitzhenry
2 respond to that, but at this point my thinking is
3 that until we know how many witnesses we have, I am
4 hesitant to commit to a certain day. I mean, if we
5 have -- I think I have counted at least 60
6 Intervenors. And if we have -- you know, I am
7 certainly not restricted to one witness, so we may
8 have a hundred witnesses by the time we are done
9 here. I don't know, so.

10 MR. FITZHENRY: I would say from my experience
11 in rate cases where there are far less parties, it
12 typically takes a week. And these are parties that
13 typically appear before the Commission and the
14 witnesses and so forth. This is in part for your
15 benefit, so whatever you think.

16 JUDGE ALBERS: Oh, I know. We planned on
17 asking for this. It is just a question of timing
18 now.

19 MR. FITZHENRY: So it is kind of up to you how
20 soon you think you want this information. If you
21 want it the day before the hearing, I am sure the
22 parties will accommodate that request as well.

1 JUDGE ALBERS: Under your proposal when were
2 you thinking of getting it to us?

3 MR. FITZHENRY: May 3 is a Friday.

4 JUDGE ALBERS: But as far as your completed
5 list?

6 MR. FITZHENRY: By May 8.

7 JUDGE ALBERS: I think --

8 MR. FITZHENRY: Which is five days from the
9 hearing date.

10 JUDGE ALBERS: Generally, Judge Yoder and I are
11 comfortable with fewer days than that, so you might
12 be able to, you know, assume a little bit there.

13 MR. FITZHENRY: I do think it is important that
14 you provide a date certain when the information
15 should be shared amongst the parties.

16 JUDGE ALBERS: Well, it will be around that
17 time.

18 MR. FITZHENRY: That's fine, whatever the date
19 is.

20 JUDGE ALBERS: But we will provide a date
21 certain. As you know from our past rulings, we
22 always say by this day give us this information and

1 we can certainly back up the sharing of information
2 by a certain date. So I think it would be
3 beneficial, given the number of parties.

4 MR. GOWER: I agree. It was just a matter of
5 how soon.

6 MR. FITZHENRY: So I am clear, you intend to
7 issue a ruling that says on a certain date you want
8 the schedule.

9 JUDGE ALBERS: We intend to issue a ruling that
10 says by a certain date all of you need to have shared
11 with each other your cross estimates and then
12 thereafter give us...

13 MR. FITZHENRY: Fair enough.

14 JUDGE ALBERS: ..a chart or schedule, whatever
15 you want to call it.

16 MR. FITZHENRY: That's fine.

17 JUDGE ALBERS: Just to make sure that everyone
18 is doing their work in advance, not in the last
19 minute and, we get something useful to us.

20 So any other questions or concerns?

21 (No response.)

22 All right. If nothing else for the

1 record then --

2 MR. GOWER: Judge, at some point, probably not
3 today, but at some point we are going to have to give
4 some consideration to how we handle exhibits at the
5 hearing with the number of parties.

6 JUDGE ALBERS: Well, if you want to talk about
7 it off the record, it is a procedural matter, we can
8 try to figure something out here after we conclude
9 this. Or if you want it on the record, that's fine.

10 MR. GOWER: No, it doesn't have to be done
11 today. But I just think that -- I would prefer not
12 to have to make 400 copies of a large exhibit.
13 That's all I am concerned about.

14 JUDGE ALBERS: Right. Well, we can talk about
15 that a little bit here if you want. Just stick
16 around for a minute.

17 Okay. Anything further?

18 (No response.)

19 If nothing further, then I thank you
20 all and continue this to 9:30 on May 8.

(Whereupon the hearing in this
21 matter was continued until May
8, 2013, at 9:30 a.m. in
22 Springfield, Illinois.)